

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>CARMEN NIEVES</b>	:	
<b>Plaintiff,</b>	:	
	:	<b>CIVIL ACTION</b>
<b>v.</b>	:	
	:	<b>NO. 14-4861</b>
<b>ILHAMA ANZABI, et al.,</b>	:	
<b>Defendants.</b>	:	

**ORDER**

**AND NOW**, this 23rd day of January 2015, upon consideration of the motion of Defendants Esperanza Health Center, Inc., Bryan Hollinger, M.D., Timothy D. Johnston, M.D., Timothy J. Leahman, M.D., and Robert Reich to substitute the United States and then dismiss all claims against the United States and United States Defendant employees for lack of subject matter jurisdiction [Doc. No. 2] and the responses thereto, and for the reasons stated in the accompanying memorandum opinion, it is hereby **ORDERED** that the Motion is **GRANTED**. It is further **ORDERED** that:

- 1) The United States is **SUBSTITUTED** as Defendant for all claims against Defendants Esperanza Health Center, Inc., Bryan Hollinger, M.D., Timothy D. Johnston, M.D., Timothy J. Leahman, M.D., and Robert Reich and these Defendants are **DISMISSED** from the case;
- 2) All claims in which the United States is substituted as Defendant are **DISMISSED** for lack of subject-matter jurisdiction without prejudice to Plaintiff's right to file a new action once the administrative claims process is exhausted;
- 3) The claims against the remaining Defendants, Neshaminy Pharmacy and Ilhama Anzabi, are **REMANDED** to the Philadelphia Court of Common Pleas, case no.

01674, April Term 2014, because dismissal of the claims against the United States leaves the Court without subject-matter jurisdiction; and

4) The Clerk of Court is **DIRECTED** to close this case.

It is so **ORDERED**.

**BY THE COURT:**

**/s/ Cynthia M. Rufe**

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**CYNTHIA M. RUFÉ, J.**